

# Town Board Minutes

August 18, 2008

Meeting No. 27

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 18<sup>th</sup> day of August 2008 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
DAVID MARRANO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## PERSONS ADDRESSING TOWN BOARD:

**Beutler, Daniel**, spoke to the Town Board on the following matters:

- CSX railroad in Depew
- former Colecraft building on Walden Avenue

**Chowanec, Lee**, spoke to the Town Board on the following matter:

- Section 339Y of New York State Real Property Tax Law regarding condominium assessments

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- former Colecraft building on Walden Avenue
- Lancaster Industrial Development Agency property near Cemetery Road

**Lukowski, Donna**, spoke to the Town Board on the following matters:

- clearing of land in Windsor Ridge Subdivision
- concerns about spill by developer in Windsor Ridge Subdivision

**Symer, Donald**, spoke to the Town Board on the following matter:

- freight rail transportation

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster regarding parking, standing and stopping on Shadyside Lane and Pine View Lane.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/ Opponent Comments/Questions</b>
Dave Kerchoff	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:38 P.M.

Decision on this matter was reserved.

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**PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:**

At 8:38 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance regarding speed limits on Town Line Road.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/Opponent Comments/Questions</b>
Don Przybyl	Proponent

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 8:41 P.M.

Decision on this matter was reserved.

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**PUBLIC HEARING SCHEDULED FOR 8:40 P.M.:**

At 8:41 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law of the Year 2008 which repeals Section 40-17 of Article IV of Chapter 40 of the Code of the Town of Lancaster and enacts in place thereof a new Section 40-17 of Article IV of Chapter 40 of the Code of the Town of Lancaster in regards to the Exemption Schedule for disabled persons.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/Opponent Comments/Questions</b>
None	

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the public hearing was closed at 8:42 P.M.

Decision on this matter was reserved.

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**PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:**

At 8:45 P.M., the Town Board held a Public Hearing to hear all interested persons upon a upon the resolution authorizing a partial exemption from real property taxation for persons sixty-five (65) years of age or over, on a graduated scale based upon income.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

<b>NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT</b>	<b>Proponent/Opponent Comments/Questions</b>
None	

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER STEMPIAK, AND CARRIED, the public hearing was closed at 8:45 P.M.

Decision on this matter was reserved.

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**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED,** that the minutes of the Joint Meeting of the Town Board and the Planning Board held August 4, 2008 and the Regular Meeting of the Town Board held August 4, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

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THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, grant monies are available through the New York State Unified Court System to enhance the operation and security of municipal Justice Courts, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town’s grant consultant be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Unified Court System for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor and Town Court Justices be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

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THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECOND BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, state and federal transportation officials and others project that United States freight volumes will increase by more than 67 percent over twenty years, and

**WHEREAS**, the nation’s highways are already stretched to capacity, and

**WHEREAS**, the efficient movement of goods is directly related to the strength of a nation’s economy and its citizens’ quality of life, and

**WHEREAS**, public policies promoting increased investment in freight rail infrastructure would result in increased freight rail hauling capacity, and

**WHEREAS**, expansion of freight rail hauling capacity would yield impressive public benefits by relieving worsening congestion, reducing highway costs, providing a critical intermodal link to international trade, and improving air quality and fuel efficiency, and

**WHEREAS**, relatively modest public investments in freight rail infrastructure would yield an impressive return on investment in the form of savings to motorists, businesses, and taxpayers, and,

**WHEREAS**, bi-partisan legislation was recently introduced in Congress that would create tax incentives to increase investment in freight rail infrastructure, and

**WHEREAS**, this legislation is the type of proposal that the American Association of State Highway and Transportation Officials says is needed to accommodate increasing freight volumes and realize the public benefits that come from shipping more freight by rail, and

**WHEREAS**, Congress is considering proposals that would re-regulate freight railroads and these proposals would turn back the clock on the successes of re-regulation, devastating the railroads and freight transportation in this country, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Lancaster Town Board endorses the Go21 mission of building a stronger economy, reducing highway congestion, improving air quality, using tax dollars more efficiently, and improving quality of life by advocating for increased use of freight rail transportation, and

**BE IT FURTHER**

**RESOLVED**, that Lancaster Town Board endorses federal investment tax incentives to increase freight rail hauling capacity and opposes any effort to re-regulate freight railroads.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

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THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 3739 to Claim No. 4080 Inclusive

Total amount hereby authorized to be paid: \$655,062.33

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

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File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCIL MEMBER STEMPNIAK, WHO  
 MOVED ITS ADOPTION, SECONDED BY  
 COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

**(SW)** = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

**(CSW)** = Conditional sidewalk waiver.

**(V/L)** = Village of Lancaster

**NEW PERMITS:**

16005	BML Contracting	5528 William St	Er. Res. Alt.	
16010	Glamour Pools	8 Overlook Ct	Er. Pool-In Grnd	
16011	All Round Fencing	8 Overlook Ct	Er. Fence	
16025	Aqua Systems	50 Nicholas Ln	Inst. Inground Sprinklers	
16026	Housecrafters	60 Harvey Dr	Er. Deck	(V/L)
16027	Sahlem's Roofing	29 Old Post Rd	Re-Roof House	
16028	SW Marrano/Marc Equity	2 Hanover St	Er. Townhouse	
16029	SW Marrano/Marc Equity	4 Hanover St	Er. Townhouse	
16030	SW Marrano/Marc Equity	6 Hanover St	Er. Townhouse	
16031	SW Marrano/Marc Equity	8 Hanover St	Er. Townhouse	
16032	Grau Builders	15 Logan Ln	Er. Dwlg.-Sin.	
16033	Grau Builders	17 Logan Ln	Er. Dwlg.-Sin.	
16034	Arrow Signs	2655 Wehrle Dr	Er. Sign-Temp	
16035	Sheds USA	5 Juniper Blvd	Er. Shed	
16036	Grau Builders	9 Logan Ln	Er. Dwlg.-Sin.	
16037	Christopher, John	24 Sagebrush Ln	Er. Shed	
16038	Menefee, Nancy	142 Robert Dr	Re-Roof Garage	(V/L)
16039	Stoklasa Company	52 Via Donato E	Re-Roof House	
16040	Silvan Pools	20 Burwell Ave	Er. Pool-Abv Grnd	(V/L)
16041	Kozlowski, Richard	5059 William St	Er. Res. Add.	
16042	North Forest Properties	2821 Wehrle Dr	Er. Sign-Wall	
16043	Ulrich Signs	1400 Commerce Pkwy	Er. Sign-Wall	(V/L)
16044	Duro-Shed Inc	17 Apple Blossom Blvd	Er. Shed	
16045	Duro-Shed Inc	23 Stone Hedge Dr	Er. Shed	
16046	Rambo Roofing	194 Broezel Ave	Re-Roof House	
16047	Marrano/Marc Equity	13 Chicory Ln	Er. Dwlg.-Sin.	

16048	Marrano/Marc Equity	11 Pelham Rd	Er. Dwlg.-Sin.	
16049	Beebe Const	67 Irwinwood Rd	Re-Roof House	(V/L)
16050	Roto-Rooter Service	6733 Transit Rd	Inst. Comm. Plumbing	
16051	Marrano/Marc Equity	7 Pelham Rd	Er. Dwlg.-Sin.	
16052	Premier Fence Co	58 Pheasant Run Ln	Er. Fence	
16053	American Pride Home	12 Holland Ave	Re-Roof House	(V/L)
16054	Bentley, Edward	84 Central Ave	Re-Roof House	(V/L)
16055	Ray Devore Home Imp	5453 Broadway	Re-Roof House	(V/L)
16056	Garland Graphic Signs	5820 Broadway	Er. Sign-Wall	
16057	Wilcox Sign Co	4238 Walden Ave	Er. Sign-Wall	
16058	Lasky, George	15 Ann Marie Dr	Er. Fence	
16059	Beebe Const	748 Aurora St	Re-Roof House	
16060	Beebe Const	79S Irwinwood Rd	Re-Roof House	(V/L)
16061	Everett, William	8 Parkedge Dr	Inst. Door	
16062	Natale Bldg Corp	42 Nicholas Ln	Er. Dwlg.-Sin.	
16063	Colleys Pool Sales	14 Avian Way	Er. Pool-In Grnd	
16064	Colley's Pool Sales	14 Avian Way	Er. Fence	
16065	Heritage Builders	6495 Broadway	Er. Garage	
16066	Heritage Fence Co	36 Tanglewood Dr	Er. Fence	
16067	Sitzmans	518 Harris Hill Rd	Er. Res. Alt.	
16068	Shalems Roofing	34 Pheasant Run Ln	Er. Res. Alt.	
16069	Adams, Daniel	611 Lake Ave	Er. Deck	
16070	Babiarz, Florian	57 Erie St	Er. Res. Alt	(V/L)
16071	Iroquois Fence	165 Schwartz Rd	Er. Fence	
16072	Reilley, Peter	38 Doris Ave	Er. Garage	(V/L)
16073	Ferry, Walter	178 Nichter Rd	Er. Dwlg.-Sin.	
16074	Decks Unlimited	102 Pheasant Run Ln	Er. Deck	
16075	Housecrafters	139 Lake Ave	Er. Res. Alt	(V/L)
16076	Reardon, Daniel	60 Madison St	Er. Dwlg.-Sin.	
16077	Neth and Son	399 Seneca Pl	Er. Res. Alt.	
16078	Neth and Son	17 Hemlock Ln	Er. Res. Alt.	
16079	Brigham, Michael	69 Brunck Rd	Er. Res. Add.	
16080	SW Brennan, Brennan	8 Valley Overlook Dr	Er. Dwlg.-Sin.	

16081	Davidzik, Robert	4909 William St	Er. Deck	
16082	Essex	10 Tranquility Trl	Er. Dwlg.-Sin.	
16083	Stutzman, William	97 Sawyer Ave	Er. Res. Alt.	(V/L)
16084	Caci, Gerald	171 Ransom Rd	Er. Res. Alt.	
16085	JMT Construction LLC	10 Pleasant Ave	Er. Res. Alt.	(V/L)

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

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## COMMUNICATIONS & REPORTS

378. NYS Department of State to Town Board -  
Letter regarding the 2008-2009 Local Government Efficiency Grant Program.  
DISPOSITION = Received and Filed
379. Village of Lancaster to Town Board -  
Minutes of meeting held July 28, 2008. DISPOSITION = Received and Filed
380. Town Clerk to Town Board -  
Monthly report for July 2008. DISPOSITION = Received and Filed
381. Town Clerk to Various News Media -  
Notice of special meeting of the Planning Board to be held August 14, 2008, 7:00 PM.  
regarding proposed ordinance entitled "Transit Road Access Management".  
DISPOSITION = Received and Filed
382. NYS DEC to Town Board -  
Notice of meeting to be held October 7, 2008 in Buffalo regarding wastewater treatment  
resources. DISPOSITION = Received and Filed
383. Association of Erie County Governments to Town Board -  
Transmittal of information and notice of meeting to be held August 28, 2008 in Eden  
regarding proposed Erie County Planning Board. DISPOSITION = Town Board
384. Town of Cheektowaga to Town Clerk -  
Notice of public hearing to be held August 18, 2008, 6:45 PM, Cheektowaga regarding  
proposed Local Law No. 2008-8 amending the zoning law relating to site plan approval.  
DISPOSITION = Received and Filed
385. NYS Department of Transportation to Town Attorney -  
Concurs with Lead Agency designation; comments noted. DISPOSITION = Received and  
Filed
386. Town Clerk to Various News Media -  
Notice of SEQR Meeting to be held Monday, August 18, 2008 at 6:30 PM regarding the  
site plan of Greenfield Court Assisted Living and the Transit Road Access Management  
Ordinance. DISPOSITION = Received and Filed
387. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town  
Clerk -  
Notice of SEQR Meeting to be held Monday, August 18, 2008 at 6:30 PM regarding the  
Transit Road Access Management Ordinance. DISPOSITION = Received and Filed
388. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town  
Clerk -  
Notice of SEQR Meeting to be held Monday, August 18, 2008 at 6:30 PM regarding site  
plan of Greenfield Court Assisted Living. DISPOSITION = Received and Filed
389. Depew Village Clerk to Town Clerk -  
Transmittal of Local Law #4 of 2008 adopted by the Depew Village Board on August 11,  
2008 entitled "Terminating Village's Function as an Assessing Unit". DISPOSITION =  
Received and Filed
390. General Crew Chief to Planning Board, Council Members Abraham, Ruffino & Stempniak -  
Transmittal of no issues with the landscape plan for the site plan application of Lancaster  
Professional Building, 4893 Transit Road. DISPOSITION = Planning Committee
391. Highway Superintendent to Town Board -  
Request extension of Summer employment of Ryan Rybinski until November 28, 2008.  
DISPOSITION = Personnel Department
392. Highway Superintendent to Town Board -  
Comments regarding problems with availability of asphalt from suppliers.  
DISPOSITION = Received and Filed

393. George Miner to Town Clerk -  
Notice of intent to renew liquor license of Rose Garden Restaurant, 2753 Wehrle Drive.  
DISPOSITION = Town Attorney
394. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant,  
Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held August 14, 2008. DISPOSITION = Received and  
Filed
395. Planning Board to Town Board -  
Recommend approval of Transit Road Access Management Ordinance.  
DISPOSITION = Received and Filed
396. Town Clerk to Towns of Alden, Marilla, Elma, West Seneca, Amherst, Clarence, Newstead  
& Cheektowaga, and Villages of Lancaster & Depew -  
Transmittal of copy of Transit Road Access Management Ordinance. DISPOSITION =  
Received and Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL  
MEMBER ABRAHAM AND CARRIED,** the meeting was adjourned at 9:00 P.M .in memory of  
Mary Jane Nunan.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk